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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,592	08/09/2001	Ralph E. Sipple	RA-5416	5422
27276	7590	09/01/2004	EXAMINER	
UNISYS CORPORATION UNISYS WAY MAILSTOP E8-114 BLUE BELL, PA 19424-0001			KNOLL, CLIFFORD H	
			ART UNIT	PAPER NUMBER
			2112	

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action**

Application No.

09/925,592

Applicant(s)

SIPPLE ET AL.

Examiner

Clifford H Knoll

Art Unit

2112

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: not persuasive; see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: Response to Arguments attached

**BEST AVAILABLE COPY**Khanh Dang  
Primary Examiner

***Response to Arguments***

Applicant's arguments filed 8/6/2004 have been fully considered but they are not persuasive.

Applicant argues that Vartti fails to disclose, "determining whether a lock inquiry is for a particular cache, by that cache" (p. 3), and focuses in particular on paragraph "c" of claim 1, which recites, in pertinent part, an "interpreter for reading the signals in a received CSWL inquiry to determine if it relates to a CSWL mapped to said associated mid-level cache". Applicant argues further that Vartti cannot have this feature because there are only two second level caches in Vartti, so that the determination is inapplicable. However, while Vartti only teaches two second level caches, it is clear this relates to a specific embodiment. Nothing in Vartti precludes a plurality of second level caches; in fact, Vartti contemplates a "plurality of intercoupled storage controllers (claim 4). Nonetheless, the specific issue of what plurality of controllers is taught is not the immediate issue here; rather, it is imperative to determine whether the apparatus for determining is present in Vartti. In fact, Vartti discloses this in the form of "lock unit 22" seen in Figure 4. "Each of the Lock Registers [of Lock Unit 22] holds an address that is locked by the respective requester or for which the requester is waiting for a lock, and information for granting a lock to another requester waiting for a lock on the specified address" (col. 10, lines 52-56). This is interpreted to read on "reading the signals in a received CSWL inquiry to determine if it relates to a CSWL mapped to said associated mid-level cache"; namely, the lock registers are determinative of the association as recited. Although it would appear that Vartti contemplates the extension of this

Art Unit: 2112

determining to a non-specific plurality of controllers, this aspect of Vartti is not the main issue and is not relied upon in the instant interpretation.

Applicant further argues that Vartti fails to disclose CSWLs, or "communal software locks", because as defined in the specification, the Applicant's communal locks "cannot be moved from SCL to SCL, something which we do require in our preferred embodiments" (p. 4); however this particular aspect of a communal software lock does not receive sufficient support in the claim. That a software lock is "communal" does not necessarily require them to be not movable, as Vartti clearly demonstrates.

Applicant argues that the same arguments apply equally to the rejection by Arimilli; however, the cited passage, similarly interpreted to Vartti, is deemed anticipatory of this feature, namely ownership at each second level cache is determined.

Applicant argues that active follow on steps in dependent claims are not disclosed; however consideration of the dependent claims in this Office Action deems the interpretation appropriate, as exemplified by the citations made in the previous Office Action of 6/9/2004.

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